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[Book Review] Matthew H. Kramer. *Legal Theory, Political Theory, and Deconstruction: Against Rhadamanthus*. Indiana: Indiana University Press, 1991.

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rationalities would prepare people better to interact internationally. MacIntyre's argument for the inclusion of western rationalities would seem to imply that we should also construct universities that are open to non-western rationalities. Yet the western concept of rationality as craft might be inappropriate to judge eastern or native rationalities.

What would it mean to bring rival western and non western rationalities into our universities? Feyerabend has suggested that medical schools should study traditional medicine as well as western medicine. If instructors in eastern, traditional North American, and homeopathic medicine join medical faculties, then future doctors would have a greater selection of remedies from which to choose. Relegating native medicine to anthropology puts its healing power beyond our reach.

Are there any options that one should exclude from a university of dialogue and disputation? This is a hard question. I prefer the politically correct exclusion of creationism since I don't see creationism as good science; yet it might be studied in other departments. But a truly pluralistic university should include all rationalities, especially those practiced by many members of its own society. I am therefore in a dilemma over the breadth of a truly open university devoted to disputation and understanding. MacIntyre's *Three Rival Versions Of Moral Enquiry* is a clever and wide ranging contribution to the debate over the purpose of contemporary universities. It successfully pushes us out of the institutions imprisoned by outmoded Victorian pedagogical structures into the debates that are emerging from actual conditions in contemporary social life.

John Inglis, Lexington

Matthew H. Kramer. *Legal Theory, Political Theory, and Deconstruction: Against Rhadamanthus*. Indiana: Indiana University Press, 1991.

> A text is not a text unless it hides from the first comer, from the first glance, the law of its composition and the rules of its game. A text remains, moreover, forever imperceptible. Its law and its rules are not, however, harbored in the inaccessibility of a secret; it is simply that they can never be booked, in the *present*, into anything that could rigorously be called a perception.
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> Jacques Derrida. *Dissemination*. Trans. Barbara Johnson. Chicago, IL: University of Chicago Press, 1981, p. 63.

Matthew H. Kramer's first book is one in which Derrida's quote is taken at full value. Working his way through particular texts, theories, and thinkers from the traditions of legal and political theory, Kramer is constantly at pains to make per ceptible the strategies in the work he examines by showing why it must be imperceptible. Determined to elude the accusations and pat responses that seem to plague deconstructive criticism (e.g. that it is nihilism), Kramer is careful in his engagement of the texts and traditions of political and legal theory and maintains an awareness of the necessary implications that flow to his own text from such an approach.

Kramer focuses on three authors and the traditions which surround them: G.A. Cohen and Marxism via *Karl Marx's Theory of History*, H.L.A. Hart and Legal Positivism via *The Concept of Law*, and David Hume and Conservatism via *A Treatise of Human Nature, An Enquiry concerning the Principle of Morals*, and *An Enquiry concerning Human Understanding*. Kramer concludes the book with a chapter on Critical Legal Studies, and it is here where his qualified allegiance lies. A brief exegesis on deconstruction introduces the book and is quite good in familiarizing the reader with Kramer's particular understanding of Jacques Derrida's philosophy. Kramer also continues what seems to be a trend in deconstruction scholarship by asserting that American literary critics have somehow misconstrued Derrida and are using him for their own purposes while others, usually philosophers, really understand Derrida and his project.

Kramer's basic strategy is to introduce each author and his tradition and proceed to give a close reading to a particular text. In doing so, Kramer seeks to engage the text on its own terms and point out what incongruencies arise. This first reading provides the boundaries by which the text and the tradition in which it is situated claim to be an object. By spotlighting this boundary and the *aporia* of innerness and outerness which structure it, Kramer creates the space necessary for a strategy of deconstruction, and it is within this space that he demonstrates the instability of the alleged boundary and the dependence which each side necessarily involves itself. Kramer wants to show that this instability is a necessary feature of any text or tradition which theorizes about social or political life. He states that "[a]ll positions—be they metaphysical or political—will perforce dismantle themselves as the condition of their being elaborated. No position, then, can lay claim to the determinancy and coherence needed to play the part of an element in a necessary relation" (p. 148). What makes this book interesting, however, is what follows this claim: "[T]his will be true of deconstructive critiques as much as of discourse that has less explicitly thematized its undoing" (p. 148).

Kramer is concerned to show deconstruction at work and convince the reader that it should be employed in the context of legal and political theory. To do this he understands (as many do not) that the contradictions inherent

in the performance of deconstructive strategies must be accounted for. This must be done not apologetically, but forcefully, and as an integral part of the critique rather than as an afterthought or footnote. However, in taking the stance of deconstruction without apology, Kramer knowingly steps off into an abyss where politics and deconstruction share a relationship of suspicion. Kramer is most explicit about this relationship in that part of the book which engages the Critical Legal Studies movement and its adoption of the concept of reification as a way of explaining the history of law and legal theory. In bringing deconstruction to the legal theory debate, Kramer addresses the fundamental issue—that abstract literary theory can be of little consequence when intervening in matters which involve real people in concrete legal cases. Against Marx's distinction between interpreting the world and changing it, Kramer responds that "for the . . . deconstructive critic, a reinterpreting of the world *is* a changing of it" (p. 245). For Kramer, "every social practice (as well as every natural phenomenon) comprises myriad forms of categorization, and hence has always succumbed to a vertiginous interplay between sameness and difference" (p. 246).

In dealing with the thought of G.A. Cohen and H.L.A. Hart, Kramer tosses the monkeywrench of deconstruction into any gap which presents itself as a result of his close reading. Kramer interrupts the boundaries which enclose the theories of Cohen and Hart by questioning the very fact of the boundaries' existence. Every claim to presence by a theory highlights the dyad of innerness and outerness (and other conceptual pairings needed for a systematic theory) and at the same time signals the beginning of the end.

For Cohen, the distinction between sociality and materiality which he develops as a more encompassing way to theorize Marx's use-value/exchange-value relationship sets up an *aporia*, which necessitates the obliteration of this initial distinction. Highlighting the moment of abstraction which is required for this description, Kramer goes to work: "'materiality' is always already social, in the sense that it can come into view only as a result of the procedure (that is, abstraction) which resides at the social end of the sociality/materiality split" (p. 87). Substitute any two opposed concepts in the discourses of legal and political theory and the result is the same—they will not hold. In Hart's case, it is the distinction between primary and secondary rules and their relation to the rule of recognition that he depends upon to make his legal system cohere. Again, Kramer intervenes and the result is inevitable.

This is not to say that Kramer's book is dull or overly formulaic. In order to be successful in his strategy, Kramer must in some sense create the object of his destruction. Kramer makes the text as systematic and suggestive as the author claims it to be, and points out problems which arise within this (artificial) sphere. However, once this solidity is established, Kramer does

not leave it in pieces after it has undergone the scrutiny of deconstruction. In his critique of Hume's proclivity for privileging the particular over the abstract requirements of the social compact, Kramer explains why this would be impossible:

> A critique of Hume's privileging of particulars will not automatically impair the effectiveness of his theorizing, for any such critique will powerfully reconfirm units in the very process of undermining them; but if the intraphilosophical effects are so dizzyingly incalculable, then one should hesitate before making predictions about politics. (p. 149)

This hesitation is palpable throughout the book, not only in Kramer's writing but also in the mind of a reader who is sympathetic to deconstruction and wishes to situate it within a legal or political theory. Having established on the level of theory that the moment of deconstruction cannot be denied and that all dichotomies necessarily subvert themselves, he exhorts those who engage the problems of law and politics to embrace deconstruction as a strategy in their writing. To assuage the possibility of hesitancy, Kramer, in his analysis of G.A. Cohen, writes that:

> Just as deconstruction leaves room for speech-act philosophy and structuralism, an analysis that has highlighted circularity can leave room for a defense of Marxism and for a Marxist reading of history. That such projects will ultimately subvert their own claims, or beg their own questions does not decrease their trenchancy in appropriate contexts—in particular, when they are competing against other persuasive versions of historical "truth," which will be subject to similar disruptions. (p. 80)

One immediately wonders when and how a context could arise that did not involve competing versions of historical "truth." When deconstruction is added to this competition a peculiar ethics presents itself. To what advantage does the political or legal theorist introduce deconstructive strategies into the debate? Although one who enlists such a strategy can offer devastating insights into the traditions one seeks to engage, it remains doubtful what effect such insights will have on one's opponents (the use of metaphors of battle and struggle pervade Kramer's book). Kramer maintains that to take a deconstructive stance allows one to "absorb critiques to which one's position must be vulnerable" (p. 268), and because of this he "implores critical legal scholars to brace their methods by undermining and imperiling [them]" (p.269). Hesistancy redux.

To raise questions about strategy in Kramer's book is not to suggest that they have gone overlooked. As Kramer notes: "It may well turn out that upholding novelty against rigidified structures will promote stagnation far

more than would a contrary tactic. That, however, seems a gamble worth taking" (p. 268). However, this gamble should only be taken with full recognition of the stakes. Inverting Derrida's observation that "to state the difficulty is not . . . to surmount it" (p. 268), one should also note that neither has one surmounted the solution by stating it. Although deconstruction opens up many avenues for intervention in political and legal theory, both sides of the dyads around which deconstruction operates are deeply entrenched. This entrenchment has sites both within the academy and without. To treat them as "merely" literary is to seriously weaken the possibility of using deconstruction as an effective means of intervention. The strength of Kramer's book is that he recognizes this. His close reading of a selection of texts which give sustenance to the main traditions of legal and political theory is instructive, and should serve as a preliminary model for those working within these traditions—especially Critical Legal Studies.

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***Barnett Newman: Selected Writings and Interviews*. Edited by John P. O'Neill, Text Notes and Commentary by Mollie McNickle, Introduction by Richard Shiff. New York: Alfred A. Knopf, 1990.**

Though Barnett Newman wrote more and more persuasively than any of his colleagues in the early-'50s school known as Abstract Expressionism, he still remains perhaps the most misunderstood painter in what was the first modern American art movement to free itself in any significant way from European tethers. In that we have learned to enter Rothko's color field, Pollock's web, or De Kooning's splashy landscape, we have not assimilated Newman into a popular understanding. One can stand in the circular room of the National Gallery in D.C. where Newman's fourteen "Stations of the Cross" hang, and witness the perplexity coupled with derision that crosses viewers' faces as they encounter these 8-foot canvases, so ascetically rendered that they appear nearly bare, simply "framed" with strips of black or white. How does one go about explaining to the uninitiated that it took Newman 43 years to arrive at this style? One could retaliate in the manner of Adorno that "If one does not understand something, it is customary to behave with the sublime understanding of Mahler's jackass, and project one's own inadequacy on to the object, declaring it to be incomprehensible." But Newman seldom took such high ground. Rather, he tried insistently to explain his art and other like it to an unfamiliar public and critics alike. *Selected Writings* offers more